

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED
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U.S. DISTRICT COURT
N.D. OF ALABAMA

SUSAN KEITH,

Plaintiff,

vs.

THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA d/b/a
PRUDENTIAL FINANCIAL,

Defendant.

CIVIL ACTION NO.:

CV-04-

JURY DEMAND

CV-04-HGD-2831-S

COMPLAINT

INTRODUCTION

1. This action is brought pursuant to the Employee Retirement Income Security Act ("ERISA"), specifically 29 U.S.C. §1132(a)(1)(B) thereof, to redress denial of disability benefits which are payable under an employee disability plan in the event of disability of an employee.

PARTIES

2. Plaintiff, Susan Keith, was prior to her claim for long-term disability, a Team Manager II at MBNA Technology. Plaintiff was a participant covered under an ERISA employee benefit plan ("Plan") providing for disability benefits. Said plan allowed for receipt of these benefits by plaintiff in the event of disability.
3. Defendant The Prudential Insurance Company of America d/b/a Prudential Financial is responsible for payment of benefits under this plan.

STATEMENT OF THE CLAIM

4. Plaintiff applied for long-term disability due to medical conditions of Sjogren's Syndrome, Fibromyalgia, Arnold Chiari Malformation Type I, congenital spinal stenosis and degenerative disk disease.
5. Plaintiff's application for long-term disability was denied and plaintiff appealed said denial of her long-term disability, MBNA Group policy benefit under Group Policy No. 24923.
6. Defendant has made a final denial of plaintiff's claim.
7. The sole basis set forth by Defendant for the denial is that the medical records do not support a condition that would prevent the plaintiff from performing the material and substantial duties of her occupation as Team Manager II.
8. However, because of the plaintiff's medical conditions, she is not able to perform her duties as Team Manager II as supported by medical documentation.
9. As a direct result of the wrongful denial alleged herein, plaintiff suffered emotional anguish and loss of benefits.
10. The wrongful denial alleged herein was willful, malicious, and in reckless disregard for plaintiff's federally protected rights.

PRAYER FOR RELIEF

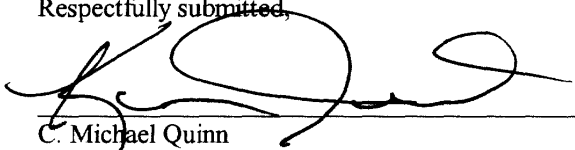
WHEREFORE, Plaintiff asks the Court to:

- A. Issue a declaratory judgment that plaintiff is entitled to recover full benefits

due under the terms of the employee benefit plan;

- B. Award plaintiff compensatory damages in the amount of the benefits due under the Plan in which she is a participant;
- C. Award plaintiff interest, costs and reasonable attorney's fees;
- D. Grant such additional relief as the Court deems proper and just.

Respectfully submitted,

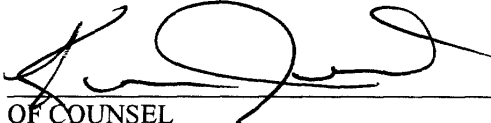


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PLAINTIFF HEREBY DEMANDS TRIAL BY JURY



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DEFENDANT'S ADDRESS:

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d/b/a Prudential Financial
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